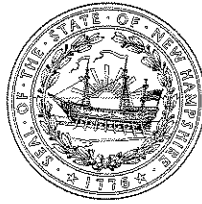


**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL



MICHAEL A. DELANEY  
DEPUTY ATTORNEY GENERAL

June 17, 2005

Section 5 Submission

Chief, Voting Section  
Civil Rights Division  
Room 7254 – NWB  
Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated (“RSA”) 49-B:5, a STATUTE related to special elections for charter amendments, most recently amended by Laws of 2005 Chapter 38 and previously amended by the chapters cited below.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973 (c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 49-B:5, a STATUTE related to special elections for charter amendments, most recently amended by Laws of 2005 Chapter 38 and previously amended by the chapters cited below.

SUBMISSION

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 38 (2005) amending RSA 49-B:5 is attached (Exhibit 49-B:5 A)
  - 1. Chapter 53 (1995) amending RSA 49-B:5 is attached (Exhibit 49-B:5 B)
  - 2. Chapter 96 (1992) amending RSA 49-B:5 is attached (Exhibit 49-B:5 C)

3. Chapter 304 (1991) amending RSA 49-B:5 is attached (Exhibit 49-B:5 D)
  4. Chapter 223 (1988) amending RSA 49-B:5 is attached (Exhibit 49-B:5 E)
  5. Chapter 241 (1979) enacted RSA 49-B:5 is attached (Exhibit 49-B:5 F)
- b) Chapter 241 (1979) enacted RSA 49-B:5 is attached (Exhibit 49-B:5 E)
- c) The changes made by amendments to RSA 49-B:5 are as follows:
1. Chapter 38 (2005) replaces the number “180” with “365” and removes the phrase “*nor more than 90 days*” regarding the timing of charter amendment voting.
  2. Chapter 53 (1995) repealed paragraph IV(c) and reenacted it as follows: *(c) Within 7 days after the hearing, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, if such election is held not less than 60 days nor more than 180 days thereafter. Otherwise, the municipal officers shall order a special election to be held not less than 60 days nor more than 90 days from the date of the order for the purpose of voting on the proposed amendments.*
  3. Chapter 96 (1992) inserted the phrase “*or, in the case of municipalities with biennial elections, at the next regular state biennial election*” in the second sentence of the introductory paragraph and in the first sentence of paragraph IV(c).
  4. Chapter 304 (1991) replaced the word “*gubernatorial*” in paragraph II with the words “*regular municipal*”.
  5. Chapter 223 (1988) substituted “60” for “30” preceding “*days*” in two places in the second sentence of paragraph I.
  6. Chapter 241 (1979) enacted RSA 49-B:5.

- d) This submission is made by: Senior Assistant Attorney General  
Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301,  
Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly  
A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a  
decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New  
Hampshire General Court, the State's legislature, acting pursuant to  
the New Hampshire Constitution Part Second, Article 2, granting  
supreme legislative power within the state to the House and Senate,  
who with right to negate each other are granted power to make law  
through Part Second, Article 5. Additional authority regarding  
election law is vested in Part First, Article 11.

The legislature through a bicameral process passed law to create  
Chapter 62 (Exhibit 49-B:5 A). The bill was signed into law (by the  
Governor) on May 10, 2005, pursuant to New Hampshire Constitution  
Part Second, Article 44.

- i) Adoption dates:
  - 1. Chapter 38 (2005) adopted May 17, 2005
  - 2. Chapter 53 (1995) adopted May 9, 1995
  - 3. Chapter 96 (1992) adopted April 24, 1992
  - 4. Chapter 304 (1991) adopted June 24, 1991
  - 5. Chapter 223 (1988) adopted April 30, 1988
  - 6. Chapter 241 (1979) adopted June 15, 1979
- j) Effective dates:
  - 1. Chapter 38 (2005) effective July 16, 2005
  - 2. Chapter 201 (1995) effective July 8, 1995
  - 3. Chapter 96 (1992) effective April 24, 1992

4. Chapter 304 (1991) effective August 23, 1991
  5. Chapter 223 (1988) effective June 29, 1988
  6. Chapter 241 (1979) effective August 14, 1979
- k) The changes made by Chapter 38 (2005) have not been enforced. The changes made by the laws of 1995, Chapter 53, by the laws of 1992, Chapter 96, by the laws of 1991, Chapter 304, by the laws of 1988, Chapter 223 and by the laws of 1979, Chapter 241 have been enforced.
- l) The changes affect the entire State of New Hampshire.
- m) The purpose of the changes are as follows:
1. The purpose of the Chapter 38 (2005) change is to increase the time period to vote on amendments to municipal charters. It allows municipalities to save money by holding the election at the next municipal election where more people tend to vote.
  2. The purpose of the Chapter 53 (1995) change is to adjust the time period for the adoption of charter changes in municipalities with biennial elections to allow adoption processes to move more quickly.
  3. The purpose of the Chapter 96 (1992) change is to allow municipalities to approve changes in charters at biennial elections rather than just in municipal elections.
  4. The purpose of the Chapter 304 (1991) change is to clarify the differences between towns and cities. The changes were a result of a 3 year study on fixing municipal law which resulted in the minor changes to RSA 49-B:5.
  5. The purpose of the Chapter 223 (1988) change is to prevent any potential conflicts between RSA 49-B and the state constitution.
  6. The purpose of the Chapter 241 (1979) change, enacting RSA 49-B:5 is to address problems with home rule issues and local governance. RSA 49-B:5 was part of RSA 49-B which allows for municipalities to establish various forms of government without a special act of the Legislature. This RSA was enacted to address the needs of the varying municipalities in New

Hampshire. RSA 49-B:5 provided for the procedure to amend town charters.

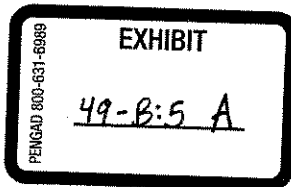
- n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. 42 U.S.C. 1973c. They are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd*, 520 U.S. 471, 478 (1997). “(T)he ability of minority groups...to elect their choices to office” will not be diminished. *Beer v. U.S.*, 425 U.S. 130, 141 (1976).
- o) None known.
- p) RSA 49-B:5 was enacted in 1979 and none of the changes, including its enactment have been precleared.
- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 49-B:5 G is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,



Orville B. Fitch II  
Senior Assistant Attorney General  
Civil Bureau  
(603) 271-1238  
[bud.fitch@doj.nh.gov](mailto:bud.fitch@doj.nh.gov)



## CHAPTER 38

## HB 144-LOCAL – FINAL VERSION

23Feb2005... 0022h

2005 SESSION

05-0235

08/01

HOUSE BILL ***144-LOCAL***

AN ACT relative to special elections for municipal charter amendments.

SPONSORS: Rep. Scanlon, Hills 18; Rep. Moran, Hills 18

COMMITTEE: Municipal and County Government

## AMENDED ANALYSIS

This bill allows greater discretion for a chartered municipality to call a special election.

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Explanation: Matter added to current law appears in ***bold italics***.Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23Feb2005... 0022h

05-0235

08/01

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Five*

AN ACT relative to special elections for municipal charter amendments.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

38:1 Municipal Charter Amendment Procedures. Amend RSA 49-B:5, IV(c) to read as follows:

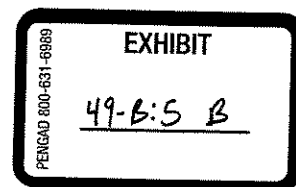
(c) Within 7 days after the hearing, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, if such election is held not less than 60 days nor more than ~~[+80]~~ **365** days thereafter. Otherwise, the municipal officers shall order a special election to be held not less than 60 days ~~[nor more than 90 days]~~ from the date of the order for the purpose of voting on the proposed amendments.

38:2 Effective Date. This act shall take effect 60 days after its passage.

(Approved: May 17, 2005)

(Effective Date: July 16, 2005)

9march95.....1535h

HOUSE BILL - FINAL VERSION

1995 SESSION 0243L

95-0299

08/02

HOUSE BILL **141**

AN ACT enabling towns, school districts and village districts to use the official ballot for voting on budgetary warrant articles and amending the charter process.

SPONSORS: Rep. Hess, Merr 11; Rep. L. Foster, Hills 10; Rep. Noyes, Rock 26; Rep. Stone, Rock 7

COMMITTEE: Municipal and County Government

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AMENDED ANALYSIS

This bill adjusts the time period for the adoption of charter changes in municipalities with biennial elections to allow adoption processes to move more quickly.

The bill creates 2 alternative forms of local government, one to allow towns, school districts, and village districts to vote on their annual operating budgets by official ballot and the other to allow towns with town councils to vote on certain matters by official ballot.

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EXPLANATION: Matter added to current law appears in **bold italics**.

Matter removed from current law appears in [brackets].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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## CHAPTER 53

HOUSE BILL - FINAL VERSION

0243L

95-0299

08/02

HB 141

## STATE OF NEW HAMPSHIRE

In the year of Our Lord

One Thousand Nine Hundred and Ninety-Five

## AN ACT

enabling towns, school districts and village districts to use the  
official ballot for voting on budgetary warrant articles  
and amending the charter process.

Be it Enacted by the Senate and House of

Representatives in General Court convened:

53:1 Charter Revisions, Adoptions, Procedures. Amend RSA 49-B:3,  
V to read as follows:

V. Within 30 days after the adoption of an order under paragraph I or the receipt of a certificate or final determination of sufficiency under paragraph IV, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, **if such election is held not less than 60 days nor more than 180 days thereafter. Otherwise, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at a special municipal election held not less than 60 days nor more than 90 days after the adoption of such an order or receipt of such a certificate of final determination.** The question to be submitted to the voters shall be in substance as follows: "Shall a charter commission be established for the purpose of revising the municipal charter or establishing a new municipal charter?"

53:2 Voting on Charter Amendments. RSA 49-B:5, IV(c) is repealed and reenacted to read as follows:

(c) Within 7 days after the hearing, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, if such election is held not less than 60 days nor more than 180 days thereafter. Otherwise, the municipal officers shall order a special election to be held not less than 60 days nor more than 90 days from the date of the order for the purpose of voting on the proposed amendments.

53:3 New Paragraph; Budgetary Official Ballot Town Council. Amend RSA 49-D:3 by inserting after paragraph I the following new paragraph:

I-a. Official ballot town council shall be a variation of the town council which provides for voting on some or all matters that general law requires to be addressed at the annual or a special meeting of a town, by official ballot. In such event, the town council shall be vested only with the limited authority to vote on all matters not voted on by official ballot. When an official ballot town council is included in any charter, the provisions of RSA 49-D:3, I, relative to town councils, shall apply in all respects, except with respect to those matters to be voted on by official ballot. When a charter provides for an official ballot town council it shall also specify with precision the budgetary items to be included on the official ballot, a finalization process for the annual budget, the process for public hearings, debate, discussion, and amendment of questions to be placed on the official ballot, the procedures for the transfer of funds among various departments, funds, accounts, and agencies as may be necessary during the year, and the applicability of the official ballot procedure to special elections. All voting by official ballot shall be in accordance with the procedures established in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours. Non-budgetary items

may be placed on the official ballot pursuant to this section notwithstanding the provisions of RSA 40:4-e and RSA 39:3-d.

53:4 New Paragraph; Budgetary Official Ballot Town Meeting. Amend RSA 49-D:3 by inserting after paragraph II the following new paragraph:

II-a. Official ballot town meeting shall be a variation of the

open town meeting which provides for voting on some or all warrant articles, including part or all of the annual town operating budget, by official ballot. In such event, the open town meeting shall be vested only with the limited authority to vote on all matters not voted on by official ballot. When an official ballot town meeting is included in any charter, the provisions of general law relative to town meetings, their warning, the right for petitioned articles at such meetings, the conduct of such meetings, and the type of majority required for bond issues shall apply to the official ballot and open town meeting in all respects. When a charter provides for an official ballot town meeting it shall also specify with precision the budgetary items to be included on the official ballot, a finalization process for the annual budget, the process for public hearings, debate, discussion, and amendment of questions to be placed on the official ballot, the procedures for the transfer of funds among various departments, funds, accounts, and agencies as may be necessary during the year, and the applicability of the official ballot procedure to special meetings. All voting by official ballot shall be in accordance with the procedures established in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours. Non-budgetary items may be placed on the official ballot pursuant to this section notwithstanding the provisions of RSA 40:4-e and RSA 39:3-d.

53:5 New Section; Budgetary Official Ballot. Amend RSA 52 by inserting after section 2 the following new section:

52:2-a Budgetary Official Ballot. Notwithstanding any other provision of law, any village district may vote to raise and appropriate money for the support of the district by official ballot as provided for in

RSA 49-D:3, II-a, by following the procedures set forth in RSA 49-B. For the purposes of this section, all references in RSA 49-B to "municipal," "municipality," "city," and "town" shall mean and include "village district," and all references to "elected body" and "governing body" shall mean and include "district commissioners."

53:6 New Section; Budgetary Official Ballot School District Meeting. Amend RSA 197 by inserting after section 5-a the following new section:

197:5-b Budgetary Official Ballot. Notwithstanding any other provision of law, any school district may vote to raise and appropriate money for the support of schools by official ballot as provided for in RSA 49-D:3, II-a by following the procedures set forth in RSA 49-B. For purposes of this section, all references in RSA 49-B to "municipal," "municipality," "city,"

and "town" shall mean and include "school district," and all references to "elected body" and "governing body" shall mean and include "school board."

53:7 Effective Date. This act shall take effect 60 days after its passage.

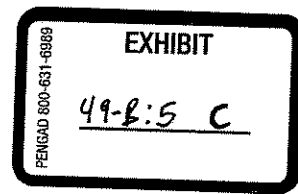
Approved: May 9, 1995

Effective: July 8, 1995

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4/21/92.....5650s 92-2389

08

HOUSE BILL - FINAL VERSION**1992 SESSION**HOUSE BILL NO. 1202 (CHAPTER 96, LAWS OF 1992)INTRODUCED BY: Rep. Gross of Merrimack Dist. 16; Rep. Hill of  
Merrimack

Dist. 14; Rep Hager of Merrimack Dist. 21

REFERRED TO: Constitutional and Statutory Revision

AN ACT permitting municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections, relative to filing for more than one seat on the same municipal board, and relative to the authority of the Concord charter commission.

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AMENDED ANALYSIS

This bill allows municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections.

The bill prohibits municipal officers from filing to be a candidate for more than one seat on the same municipal or school district board, commission, committee, or council.

The bill also authorizes the Concord charter commission to submit to the voters certain provisions relating to the form of government and transition measures relating to the city wards.

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EXPLANATION: Matter added appears in ***bold italics***.

Matter removed appears in [brackets].

Matter which is repealed and reenacted or all new appears in regular type.

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08

HOUSE BILL - FINAL VERSION

HB 1202

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand

nine hundred and ninety-two

AN ACT

permitting municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections, relative to filing for more than one seat on the same municipal board, and relative to the authority of the Concord charter commission.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Charter Commission, Membership, Procedure; Municipalities with Biennial Elections. Amend RSA 49-B:4, VI to read as follows:

VI. Upon the filing of the final report, the municipal officers shall order the proposed new charter or charter revision to be submitted to the voters at the next regular municipal election **or, in the case of municipalities with biennial elections, at the next regular state biennial election** held at least 60 days after the filing of the final report.

2 Charter Amendments, Procedure; Municipalities with Biennial Elections. Amend the introductory paragraph of RSA 49-B:5, I to

read as follows:

I. The municipal officers may determine that amendments to the municipal charter are necessary and, by order, provide for notice and hearing on them in the same manner as provided in RSA 49-B:5, IV(a).

Within 7 days after the hearing, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election **or, in the case of municipalities with biennial elections, at the next regular state biennial election** held not less than 60 days after the order is passed; or they may order a special election to be held not less than 60 days from the date of the order for the purpose of voting on the proposed amendments.

3 Charter Amendments Procedure; Municipalities with Biennial Elections. Amend RSA 49-B:5, IV(c) to read as follows:

(c) On all petitions filed more than 120 days prior to the end of the current municipal year, the municipal officers shall order the proposed amendment to be submitted to the voters at the next regular municipal election **or, in the case of municipalities with biennial elections, at the next regular state biennial election** held after the filing of the final report. Unrelated charter amendments shall be submitted to the voters as separate questions.

4 New Section; Filing for more than One Seat on City Board. Amend RSA 44 by inserting after section 2 the following new section:

44:2-a Filing for City Offices. In accordance with the provisions of RSA 44:2, no candidate for a city office shall file for more than one seat on a city or school district board, commission, committee, or council.

5 New Section; Filing for Town Offices. Amend RSA 669 by inserting after section 17 the following new section:

669:17-a Filing Candidacy. No person shall file as a candidate for a town officer under the provisions of RSA 669:19, 20, or 42 for more than

one seat on the same town or school district board, commission, committee, or council.

6 New Section; Filing for Village District Offices. Amend RSA 670 by inserting after section 4 the following new section:

670:4-a Filing Candidacy. No person shall file as a candidate for

a village district office for more than one seat on the same village district or school district board, commission, committee, or council.

7 Application. Sections 4-6 of this act shall in no way disqualify any municipal officer from any elective office to which he was elected prior to the effective date of this act.

8 Authority of Concord Charter Commission. Notwithstanding any provision of RSA 49-B or RSA 49-C to the contrary, the charter commission of the city of Concord in existence on the effective date of this act is authorized to include in its report and submittal to the voters:

I. The opportunity to choose between the alternate plans of government specified in RSA 49-C;

II. The opportunity to elect a mayor-at-large under the council-manager plan who shall be counted to make a quorum and vote as a member of the elected body;

III. The opportunity to provide for a definite term for the city manager under the council-manager plan; and

IV. Transition measures associated with the change in the number of wards approved by the voters at the special election of February 18, 1992.

9 Effective Date. This act shall take effect upon its passage.

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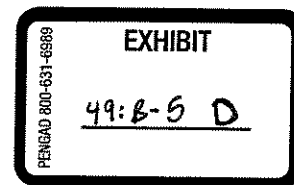
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1991 SESSION 0116L

91-0108

08

**Enrolled Bill Amendment**HOUSE BILL NO. 579 (CHAPTER 304, LAWS OF 1991)

INTRODUCED BY: Rep. Perry of Cheshire Dist. 10; Sen. Bass of Dist. 11

REFERRED TO: Municipal and County Government

AN ACT relative to municipal charters.

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ANALYSIS

This bill revises and reinstates the provisions of RSA 49-A relative to city charters. The bill also adds a new chapter for town charters which provides an outline for optional forms of town government.

The bill makes changes in current law concerning municipal charters to accommodate the new chapters on city and town charters.

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EXPLANATION: Matter added appears in **bold italics**.

Matter removed appears in [brackets].

Matter which is repealed and reenacted or all new appears in regular type.

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91-0108

08

**Enrolled Bill Amendment**

HB 579

## STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand

nine hundred and ninety-one

## AN ACT

relative to municipal charters.

Be it Enacted by the Senate and House of Represen-

tatives in General Court convened:

1 Exclusion of Certain Towns. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city **or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting**, shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose[; provided, however, that]. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote [thereat] **at such special meeting**, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting [and provided further that]. The warrant for [such] a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week

after the posting [thereof] **of such special meeting**. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date [thereof] **of such special meeting**. Every warrant shall be deemed to have been duly served or posted, if the return [thereon] **on the warrant** shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority [thereof] **of the governing board**, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed [thereto] **to it**. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale [thereof] **of such bonds or notes**, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

2 New Section; Procedures for Authorizing Bonds or Notes in Municipalities Adopting Charters Pursuant to RSA 49-B. Amend RSA 33 by inserting after section 8-c the following new section:

33:8-d Procedures for Authorizing Bonds or Notes in Municipalities Adopting Charters Pursuant to RSA 49-B, Without a Budgetary Town Meeting.

I. The town council of any town which has adopted a charter pursuant to RSA 49-B shall have the authority to issue bonds or notes, as follows:

## (b) The charter shall specify the manner of district

representation; the manner of filling vacancies; powers of nomination, appointment and confirmation; requirements for attendance and quorum; any residency or eligibility requirements of up to one year in the town or district and continued residency during term; specific procedures for the preparation, presentation, public hearing and adoption of annual budgets and designation of a fiscal year; an annual municipal election date pursuant to RSA 669:1; bonding of certain town officials and employees where not required by general law; and requirements for periodic independent audits of all town financial matters by a certified public accountant.

(c) In addition to the elected members, the board of selectmen, town clerk, and chairman of the town budget committee shall be members-at-large. The members-at-large shall have the same rights, privileges, and duties with respect to representative town meeting as the elected members.

(d) The charter may provide for referenda on certain issues to the registered voters of the town-at-large at special town meetings called for the sole purpose of deciding those issues.

49-D:4 Non-Interference by the Elected Body. The elected body shall act in all matters as a body, and shall not seek individually to influence the official acts of the chief administrative officer, or any other official, or to direct or request, except in writing, the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. Any member violating the provisions of this section, as determined through procedures established in the charter, shall forfeit his office.

49-D:5 Transition Provisions. Any charter adopted pursuant to this chapter may provide for the efficient and timely transition to any new form of government including, but not limited to, the holding of any necessary special elections, the phasing in of any aspect of the new form of government, expenditure authority during any transition and the integration of the remaining terms of office of any existing municipal officers as part of any new elected body established by the charter.

12 Establishment of Charter Commission. Amend RSA 49-B:3, II to read as follows:

II. On the written petition of a number of voters equal to at least 20 percent of the number of votes cast in the municipality at the last [gubernatorial] **regular municipal** election, but in no case less than 10 voters, the municipal officers shall, by order, provide for the establishment of a charter commission for the revision of the municipal charter or for the preparation of a new municipal charter in the form and manner provided in this chapter.

13 Charter Amendments. Amend the introductory paragraph of RSA 49-B:5, II to read as follows:

II. On the written petition of a number of voters equal to at least 20 percent of the number of votes cast in a municipality at the last [gubernatorial] **regular municipal** election, but in no case less than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out below.

14 Legalization of Bonds and Notes. All bonds and notes authorized, prior to the effective date of RSA 33:8-d, by towns which have adopted town

charters are hereby ratified and legalized.

15 Repeal. RSA 49-B:8-a, relative to powers of town council, is repealed.

16 Effective Date. This act shall take effect 60 days after its passage.

EXHIBIT

49-B:5 E

9809-103-008 GENSTAT

ter commission and to present to its inhabitants by referendum a municipal charter, in which they may establish either a town or city government.

II. If the proposed charter denominates the municipality as a town, the charter shall designate one of the following forms of town government:

(a) Board of selectmen - town meeting.

(b) Town council - town manager and mayor, with or without budgetary town meeting.

(c) Town council - town manager or mayor, with or without budgetary town meeting.

III. If the proposed charter denominates the municipality as a city, the charter shall designate one of the following forms of city government:

(a) Mayor - board of aldermen or mayor - city council.

(b) City council - city manager.

IV. While limited to the adoption of one of the above-listed forms of city or town government, the voters of a municipality may choose a form of government which, in their opinion, specifically meets the needs of their municipality. Any charter may address such matters of local concern as number of elected officials; at-large or district representation; manner of filling vacancies; powers of nomination, appointment, and confirmation; and terms of office, so long as the provisions of the charter are not contrary to current state law.

**223:3 Amending Procedure for Charter Revision.** Amend RSA 49-B:4, V, VI and VII to read as follows:

V. Within 14 days after its organizational meeting, the charter commission shall hold a public meeting for the purpose of receiving information, views, comments and other pertinent material relative to its functions. Within 8 months after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be printed and circulated throughout the municipality, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting same. Within 10 months after its election, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between any current and proposed charters and a written opinion by an attorney admitted to the bar of this state that the proposed charter or charter revision is not in conflict with the constitution or the general laws. Minority reports if filed shall not exceed 1,000 words. All public hearings before a charter commission shall be held within the municipality at such times and places as may be specified in a notice published at least 10 days prior to the hearing in a newspaper having general circulation in the municipality, but hearings may be adjourned from time to time without further published notice.

VI. Upon the filing of the final report, the municipal officers shall order the proposed new charter or charter revision to be submitted to the voters at the next regular or special municipal election held at least 60 days after the filing of the final report.

VII. The charter commission shall continue in existence for 60 days after submission of its final report to the municipal officers for the purpose of winding up its affairs.

**223:4 Charter Amendment Procedure; Time for Holding Election.** Amend RSA 49-B:5, I to read as follows:

I. The municipal officers may determine that amendments to the municipal charter are necessary and, by order, provide for notice and hearing on them in the

same manner as provided in RSA 49-B:5, IV(a). Within 7 days after the hearing, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election held not less than 60 days after the order is passed; or they may order a special election to be held not less than 60 days from the date of the order for the purpose of voting on the proposed amendments.

**223:5 Remove Reference to Special Elections.** RSA 49-B:5, IV(c) is repealed and reenacted to read as follows:

(c) On all petitions filed more than 120 days prior to the end of the current municipal year, the municipal officers shall order the proposed amendment to be submitted to the voters at the next regular municipal election held after the filing of the final report. Unrelated charter amendments shall be submitted to the voters as separate questions.

**223:6 New Section: Approval by Secretary of State.** Amend RSA 49-B by inserting after section 5 the following new section:

**49-B:5-a Approval; Review by Secretary of State.**

1. Within 5 days of the filing of the final report relative to any new municipal charter, charter revision, or charter amendment affecting election officers or the conduct of elections, the municipal clerk shall file a certified copy of said report with the secretary of state. Within 14 days of the receipt of said report by the secretary of state, he shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the following general laws of this state dealing with election officers and dates:

(a) RSA 40:1, relative to moderators, except that the term "regular town business meeting" as used in RSA 40:1 shall be construed to mean regular town election in towns whose charters do not provide for a meeting for the conduct of town business.

(b) RSA 41:16, relative to town clerks, except that the term "annual meeting" as used in RSA 41:16 shall be construed to mean regular town election in towns whose charters do not provide for a meeting for the conduct of town business. The provisions of this subparagraph shall also apply to RSA 41:45-a, relative to the combined office of town clerk - tax collector.

(c) RSA 41:46-a, relative to supervisors of the checklist, except that a town which does not hold a regular town election in even-numbered years may elect supervisors in odd-numbered years.

(d) RSA 44:11, relative to election dates in cities.

(e) RSA 669:1, relative to election dates in towns.

II. If the secretary of state does not approve the proposed charter or charter amendment relative to RSA 49-B:5-a, I(a)-(e), such proposed charter or charter amendment question shall not be placed on the municipal ballot. The secretary of state shall specify his objections in writing to the municipal clerk within the period of time allowed for review and shall offer recommendations for changes in language which would correct any inconsistencies he may find in the proposed charter or charter amendment to be voted upon. Failure to specify objections to a proposed charter or charter amendment under this section shall constitute approval by the secretary of state.

III. The governing body of the municipality may seek judicial review of the decision of the secretary by appeal in superior court, pursuant to RSA 49-B:10, IV.

**223:7 Review of Current Charters.** Within 30 days of the effective date of this act, the clerk of each municipality which has adopted a municipal charter pursuant to this act shall provide a certified copy of said charter to the secretary of state as in effect on that date. The secretary shall review each charter as authorized in

RSA 49-B:5-a. Upon the hearing, the governing body of each municipality shall order the proposed amendment to be placed on a ballot at the next regular municipal election held not less than 60 days after the order is passed; or they may order a special election to be held not less than 60 days from the date of the order for the purpose of voting on the proposed amendments.

**223:8 Power Limitation**

**49-B:8 Ordinance** amendment or resolution granted to a municipality in the manner of composition, mode or the manager of

**223:9 Powers of the following new:**

**49-B:8-a Powers** the contrary, if a form of government the constitution shall also be empowered addressed at the : which by statute a dual requirement apply to the action manager or other a responsibility to ce

**223:10 Judicial**

B-10 by inserting : IV. Any municipality RSA 49-B:5-a may the lawfulness of t any such appeal wi

**223:11 Effect of**

**49-B:9 Private,**

to a specific municipality adopt or rescind a charter adoption, r

**223:12 November**

to read as follows: **669:1 Election I** I. All towns shall the second Tuesday of the month of November, 1988, be held to elect officers and members of the governing body of the town.

II. Notwithstanding the second Tuesday after the election of the governing body of the town, the clerk of each municipality which has adopted a municipal charter pursuant to this act shall provide a certified copy of said charter to the secretary of state as in effect on that date. The secretary shall review each charter as authorized in

10 [1979

any group of 2 or more consecutive distance measured to the nearest or more consecutive axles; and N der consideration.) Except that 2 a gross load of 34,000 pounds each rst and last axles of such consecu d provided that such gross weight all enforcement tolerances, and ave axle gross weights of 18,000 all not exceed 80,000 pounds. The f a combination vehicle and semi-t.

12N + 36 ] when

le loads as follows:

Maximum gross weight in pounds

- 72,000
- 72,500
- 73,000
- 73,500
- 74,000
- 75,000
- 75,500
- 76,000
- 76,500
- 77,500
- 78,000
- 78,500
- 79,000
- 80,000

effect 60 days after its passage.

(B 26)

ERTAIN PERSONNEL AS DEPUTY ICERS.

presentatives in General Court

ation Officers. Amend RSA / striking out said section and

The executive director is autho- nservation officer force for the e enforcement of fish and game r force in such manner as the ve director may appoint such

deputy conservation officers from retired conservation officers, hatchery per- sonnel, bio-aides and other departmental personnel and any other persons he deems necessary as deputy conservation officers. Such deputy conservation officers shall at all times be under the direction, control and supervision of the executive director or his agent and shall be subject to the rules and regulations promulgated by the executive director and shall serve at the pleasure of the executive director.

**240:2 Qualifications of Deputy Conservation Officers.** Amend RSA 206:27-b, IV (supp) as inserted by 1977, 255:1 by striking out said paragraph and inserting in place thereof the following:

IV. Between the ages of 21 years and 55 years of age; provided, however, retired personnel of the department of fish and game are exempted from the provisions of this paragraph.

**240:3 Uniforms and Compensation for Deputy Conservation Officers.** Amend RSA 206 by inserting after section 27-f the following new sections:

**206:27-g Uniforms and Equipment.** The executive director may provide for deputy conservation officer uniforms and equipment necessary in the performance of their duties, but all such property shall remain the property of the state. The executive director shall maintain an inventory of said property and shall charge against each member the value of the property issued to him. If it shall be determined by the executive director that any loss or destruction of such property was due to carelessness or neglect on the part of such member the value of such property shall be paid by such member and the amount thereof may be deducted from the compensation of such member.

**206:27-h Compensation.** All deputy conservation officers shall be compen- sated for their services while actively engaged in the performance of their official duties at rates as fixed by the executive director; provided, however, all deputy conservation officers shall serve 8 hours per month without compensation.

**240:4 Workmen's Compensation.** Amend RSA 206:27-d (supp) as inserted by 1977, 255:1 by striking out said section and inserting in place thereof the following:

**206:27-d Workmen's Compensation.** All deputy conservation officers who are engaged in official duties shall be considered state employees for the purpose of workmen's compensation for state employees under RSA 281:5 and 6. The coverage shall include those deputy conservation officers engaged in official duties who may not be compensated at the time of their mishap or injury.

**240:5 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 15, 1979.]  
[Effective Date August 14, 1979.]



*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**241:1 New Chapter.** Amend RSA by inserting after chapter 49-A the following new chapter:

## CHAPTER 49-B

### HOME RULE - MUNICIPAL CHARTERS

**49-B:1 Purpose.** The purpose of this chapter is to implement the home rule powers granted to municipalities by article 39, part first, of the constitution of the state of New Hampshire.

**49-B:2 Scope of Authorization.** Any incorporated city or town, regardless of population, shall be entitled to exercise the home rule powers granted by article 39, part first, of the New Hampshire constitution, through this chapter, to create a charter commission and present to its inhabitants by referendum a municipal charter, which may establish any one of the following generally-described forms of municipal government as utilized in the New England states:

- I. Board of selectmen - town meeting.
- II. Mayor - board of aldermen or mayor -council.
- III. City council - city manager.
- IV. Town council - town manager, with or without budgetary town meeting.
- V. Elected first selectman - board of selectmen - town meeting.

While limited to the adoption of one of the above-described basic forms of government, the voters of a municipality may adopt a charter which, in their opinion, specifically meets the needs of their municipality as to such matters of local concern as number of elected officials; at-large or district representation; manner of filling vacancies; powers of nomination, appointment and confirmation; and terms of office.

### 49-B:3 Charter Revisions, Adoptions, Procedure.

I. The municipal officers may determine that the revision of the municipal charter is necessary or that adoption of a new municipal charter is necessary, and by order, provide for the establishment of a charter commission to carry out such purpose as provided in this chapter; or

II. On the written petition of a number of voters equal to at least 20 percent of the number of votes cast in the municipality at the last gubernatorial election, but in no case less than 10 voters, the municipal officers shall, by order, provide for the establishment of a charter commission for the revision of the municipal charter or for the preparation of a new municipal charter in the form and manner provided in this chapter.

III. The following procedure shall be used in the alternative method set out in paragraph II.

(a) Any 5 voters of the municipality may file with the municipal clerk an affidavit stating they will constitute the petitioners' committee, circulate the petition and file it in proper form. The affidavit shall state the names and addresses of the members and specify the address to which all notices to the committee are to be sent. The petitioners' committee may designate additional voters of the municipality, who are not members of the committee, to circulate the petition. Promptly after the affidavit is filed, the clerk shall issue petition blanks to the committee.

(b) The petition form shall be printed on paper of uniform size and may consist of as many individual sheets as are reasonably necessary. Petition forms shall be prepared by the municipal clerk at the expense of the municipality.

(1) Petition forms shall be the copy of each form on the Municipality of .....

"Each of the undersigned cers to establish a charter co pal charter or preparing a ne a petition shall be in ink or ot the place of residence of the shall contain any party or po

(2) The clerk shall no petitions, unless sooner filed the 120th day after the date

(3) Each petition form executed by the circulator, st number of signatures there presence, that he believes the names they purport to be, petition, and that each signe petition.

(4) Petition forms shall time with the clerk. The cler

IV. Within 20 days after certificate as to its sufficienc wherein it is defective, shal petitioners' committee by n officers.

(a) A petition certified i valid signatures may be am notice of intention to amend i copy of his certificate. Withi intention, the committee ma deficiencies in the original form and content comply with paragraph III.

(b) Within 5 days after t shall complete and file a cer vided for in an original petit

(c) When an original or su cient, the committee may, wi certificate, file a request with pal officers shall inspect the copies of which shall be file committee. The certificate of nation of the sufficiency of th

(d) Any petitions finally and void and of no further for by the clerk and shall be se required for secret ballots.

V. Within 30 days after the receipt of a certificate of fina IV, the municipal officers sh ment of a charter commissi municipal election held not l submitted to the voters shall

"Shall a charter commissic municipal charter or establis

### hip, Procedure.

f 9 members, 6 of whom shall be  
fter provided and 3 of whom shall

ie same manner as the municipal  
large and without party designa-  
at the same municipal election as  
The names of the candidates shall  
mediately below the question relat-

esidents of the municipality, but  
ntments shall be made in accor-  
and shall be made by the munici-  
n of the charter commission.

ely after receiving notice of the  
pal officers notify the appointed  
sion of the date, time and place of  
ommission. Such date, time and  
notice thereof shall be given. The  
ig from its members a chairman,  
notice thereof with the municipal  
ion shall be filled by vote of the  
lity except that a vacancy among  
lled by the municipal officers.  
but shall be reimbursed from the  
incurred by them in the perfor-

es and regulations governing the  
may employ such legal, research,  
as are deemed necessary within

arter commission, free of charge,  
le access to facilities for holding  
other assistance to such commis-  
d obtain advice and information  
loyees during ordinary working  
charter commission, the munici-  
ission account the sum of \$100. A  
opriate additional funds to the  
be raised by taxation, borrowed

y a municipality, the charter  
om any other source, public or  
re than \$5 shall be accepted from  
unless the name and address of  
and the amount of the contribu-  
rk. Within 30 days after submis-  
sion shall file with the clerk a  
enditures for public inspection.  
be credited to the municipality's

meeting the charter commission  
of receiving information, views,  
ative to its functions. Within 9  
sion shall prepare a preliminary

report including the text of the charter or charter revision which the commis-  
sion intends shall be submitted to the voters and any explanatory information  
the commission deems desirable, shall cause such report to be printed and  
circulated throughout the municipality, and shall provide sufficient copies of  
the preliminary report to the municipal clerk to permit its distribution to each  
voter requesting same. Within 12 months after its election, the charter com-  
mission shall submit to the municipal officers its final report, which shall  
include the full text and explanation of the proposed new charter or charter  
revision, such comments as the commission deems desirable, an indication of  
the major differences between any current and proposed charters and a  
written opinion by an attorney admitted to the bar of this state that the  
proposed charter or charter revision is not in conflict with the constitution or  
the general laws. Minority reports if filed shall not exceed 1,000 words. All  
public hearings before a charter commission shall be held within the munici-  
pality at such times and places as may be specified in a notice published at  
least 10 days prior to the hearing in a newspaper having general circulation in  
the municipality, but hearings may be adjourned from time to time without  
further published notice.

VI. Upon the filing of the final report, the municipal officers shall order the  
proposed new charter or charter revision to be submitted to the voters at the  
next regular or special municipal election held at least 30 days after the filing  
of the final report.

VII. The charter commission shall continue in existence for 30 days after  
submission of its final report to the municipal officers for the purpose of  
winding up its affairs.

### 49-B:5 Charter Amendments, Procedure.

I. The municipal officers may determine that amendments to the municipal  
charter are necessary and, by order, provide for notice and hearing on them in  
the same manner as provided in RSA 49-B:5, IV (a). Within 7 days after the  
hearing, the municipal officers may order the proposed amendment to be  
placed on a ballot at the next regular municipal election held not less than 30  
days after the order is passed; or they may order a special election to be held  
not less than 30 days from the date of the order for the purpose of voting on the  
proposed amendments.

(a) Each amendment shall be limited to a single subject, but more than  
one section of the charter may be amended as long as it is germane to that  
subject.

(b) Alternative statements of a single amendment are prohibited.

II. On the written petition of a number of voters equal to at least 20 percent  
of the number of votes cast in a municipality at the last gubernatorial election,  
but in no case less than 10 voters, the municipal officers shall, by order,  
provide that proposed amendments to the municipal charter be placed on a  
ballot in accordance with the procedures set out below.

(a) Each amendment shall be limited to a single subject but more than one  
section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

III. The petition forms shall carry the following legend in bold lettering at  
the top of each form on the face thereof.

Municipality of .....

"Each of the undersigned voters respectfully requests the municipal offic-  
ers to provide for the amendment of the municipal charter as set out below."  
No more than one subject may be included in a petition. In all other respects  
the form, content and procedures governing amendment petitions shall be the  
same as provided for charter revision and adoption petitions under RSA

49-B:3 including procedures relating to filing, sufficiency and amendments.

IV. (a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them.

(b) Within 7 days after the public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal officers.

(c) On all petitions filed more than 120 days prior to the end of the current municipal year, the municipal officers shall order the proposed amendment to be submitted to the voters at the next regular or special municipal election held within said year after the filing of the final report. If there is no such election to be held before the end of the current municipal year, the municipal officers shall order a special election to be held before the end of the current municipal year for the purposes of voting on the proposed amendment. Unrelated charter amendments shall be submitted to the voters as separate questions.

**49-B:6 Submission to Voters.** The method of voting at municipal elections when a question relating to a charter revision, a charter adoption or a charter amendment is involved shall be in the manner prescribed for municipal elections.

I. In the case of a charter revision or a charter adoption the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (new charter) recommended by the charter commission?"

II. In the case of a charter amendment the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?"

III. Voter information.

(a) In the case of a charter revision or charter adoption, at least 2 weeks prior to the date of the election the municipal officers shall cause the final report of the charter commission to be printed, shall make copies available to the voters in the clerk's office and shall post the report in the same manner that proposed ordinances are posted.

(b) In the case of a charter amendment, at least 2 weeks prior to the date of the election, the municipal officers shall cause the proposed amendment and any summary thereof to be printed, shall make copies available to the voters in the clerk's office and shall post the amendment and any summary thereof in the same manner that proposed ordinances are posted.

IV. If a majority of the ballots cast on any question under paragraph I or II favor acceptance, the new charter, charter revision or charter amendment becomes effective as provided below, provided the total number of votes cast for and against the question equals or exceeds 30 percent of the total votes cast in the municipality at the next previous gubernatorial election.

(a) Charter revisions or new charters adopted by the voters shall become effective immediately but only for the purpose of conducting necessary elections, otherwise charter revisions and new charters become effective on the first day of the next succeeding municipal year.

(b) Charter amendment. the first day of the next succeeding municipal officers, which

**49-B:7 Recording.** Within declared, the municipal clerk setting forth any charter amendment approved. One secretary of state and one municipal clerk.

**49-B:8 Ordinance, Power** tion, amendment or repeal of function which the legislature either expressly or by clear granted to the municipality change in the composition, body, the mayor or the managing bylaw or ordinance.

**49-B:9 Private, Special** laws applying to a municipality force and effect unless repealed under this chapter relating

**49-B:10 Judicial Review.**

I. The superior court may, on petition of the attorney general

II. A petition for declaratory by the attorney general or, by ity. In the case of petition of with notice of the preliminary at any stage of the proceedings in the court's discretion also by attorney's fees.

III. Judicial review to determine charter is adopted, revised or the municipality brought within charter, revision or amendment such period, compliance with the validity of the manner amendment was approved shall tion, revision or amendment procedural error or omission unreasonably and substantially affect

**49-B:11 Construction.** This municipalities and their inhabitants purposes thereof.

**241:2 Repeal.** RSA 40-A repealed.

**241:3 Repeal.** RSA 49-A repealed.

**241:4 Effective Date.** This

[Approved June 15, 1979.]

[Effective Date August 14, 1979]

ing, sufficiency and amendments. ort that a petition is sufficient, the or a public hearing on the proposed all be published in a newspaper ality at least 7 days prior to the proposed amendment and a brief ted by the municipal officers or a

ring, the municipal officers or the with the municipal clerk a report amendment and a written opinion ate that the proposed amendment the constitution. In the case of a h the municipal officers.

days prior to the end of the current order the proposed amendment to ular or special municipal election ie final report. If there is no such ent municipal year, the municipal held before the end of the current n the proposed amendment. Unre- nitted to the voters as separate

od of voting at municipal elections on, a charter adoption or a charter anner prescribed for municipal

harter adoption the question to be ce as follows:

„(charter revision) (new charter)

he question to be submitted to the

arter amendment reprinted (sum-

charter adoption, at least 2 weeks ipal officers shall cause the final ted, shall make copies available to st the report in the same manner

at least 2 weeks prior to the date of use the proposed amendment and ke copies available to the voters in nent and any summary thereof in s are posted.

7 question under paragraph I or II r revision or charter amendment ded the total number of votes cast eeds 30 percent of the total votes is gubernatorial election.

opted by the voters shall become ose of conducting necessary elec- charters become effective on the year.

(b) Charter amendments adopted by the voters shall become effective on the first day of the next succeeding municipal year or on a date determined by the municipal officers, whichever occurs first.

**49-B:7 Recording.** Within 3 days after the results of the election have been declared, the municipal clerk shall prepare and sign duplicate certificates setting forth any charter that has been adopted or revised and any charter amendment approved. One certificate shall be recorded in the office of the secretary of state and one certificate shall be deposited in the office of the municipal clerk.

**49-B:8 Ordinance, Power Limited.** Any municipality may, by the adoption, amendment or repeal of ordinances or bylaws, exercise any power or function which the legislature has power to confer upon it, which is not denied either expressly or by clear implication, and exercise any power or function granted to the municipality by the constitution, general law or charter. No change in the composition, mode of election or terms of office of the legislative body, the mayor or the manager of any municipality may be accomplished by bylaw or ordinance.

**49-B:9 Private, Special and General Laws.** Private, special and general laws applying to a municipality or adopted by a municipality shall continue in force and effect unless repealed by a charter, revision, adoption or amendment under this chapter relating to its subject matter.

#### **49-B:10 Judicial Review.**

I. The superior court may, upon petition of 10 voters of the municipality or on petition of the attorney general, enforce this chapter.

II. A petition for declaratory relief may be brought on behalf of the public by the attorney general or, by leave of the court, by 10 voters of the municipality. In the case of petition of 10 voters, the attorney general shall be served with notice of the preliminary petition for leave, and may intervene as a party at any stage of the proceedings; and the petitioners shall be liable for, but may in the court's discretion also be awarded costs, which may include reasonable attorney's fees.

III. Judicial review to determine the validity of the procedures whereby any charter is adopted, revised or amended may be had by petition of 10 voters of the municipality brought within 30 days after the election at which such charter, revision or amendment is approved. If no such petition is filed within such period, compliance with all the procedures required by this chapter and the validity of the manner in which such charter adoption, revision or amendment was approved shall be conclusively presumed. No charter adoption, revision or amendment shall be deemed invalid on account of any procedural error or omission unless it is shown that the error or omission materially and substantially affected such adoption, revision or amendments.

**49-B:11 Construction.** This chapter, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect the purposes thereof.

**241:2 Repeal.** RSA 40-A relative to representative town meetings is hereby repealed.

**241:3 Repeal.** RSA 49-A relative to local option city charters is hereby repealed.

**241:4 Effective Date.** This act shall take effect 60 days after its passage.

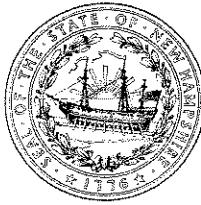
[Approved June 15, 1979.]

[Effective Date August 14, 1979]

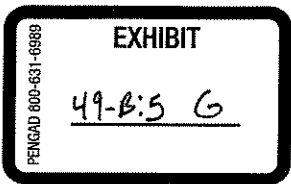
**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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KELLY A. AYOTTE  
ATTORNEY GENERAL



MICHAEL A. DELANEY  
DEPUTY ATTORNEY GENERAL



**News Release**

**RELEASED BY:** Attorney General Kelly A. Ayotte

**SUBJECT:** Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

**DATE:** June 10, 2005

**RELEASE TIME:** Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>  
New Hampshire Toll Free 1-866-8868-3703  
or 1-866-VOTER03  
[electionlaw@doj.nh.gov](mailto:electionlaw@doj.nh.gov)